

## MINUTES OF BENTON COUNTY QUORUM COURT

**June 26, 2014**

A regular meeting of the Benton County Quorum Court was held on Thursday, June 26, 2014 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Quorum Court Coordinator Janet Reaves called roll as follows:

11 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Chiocco, Curry, Moehring  
4 Absent: Anglin, Carr, Moore, Meyers

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Joe Liles of The Neighborhood Church led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the May 22, 2014 Quorum Court Meeting as distributed, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

Minutes approved.

### **ELECTED OFFICIALS REPORTS:**

None

### **COUNTY JUDGE'S REPORT:**

County Judge Bob Clinard reported that: 1) Courthouse Feasibility discussions are ongoing and that they are looking at options for financing, phasing and location; 2) Fisher Ford Bridge and Colonel Meyers Bridge are under construction; 3) construction on Windmill Road is ongoing; 4) the City of Bentonville has agreed to request State Aid for improving NE J Street from Tiger Blvd to Price Coffee Road; 5) the Road Department is doing great under the new Administrator Jeff Clark; 6) the June Benton County Property Disposal Report is complete.

County Judge Bob Clinard reported that the Cody and Carrie Hays family of Gentry have been named the Benton County Farm Family of the Year.

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### **COMMITTEE REPORTS:**

JP Shirley Sandlin reported that a Personnel Committee meeting was held Tuesday, June 24, 2014.

JP Allen reported that the Finance Committee had met and that sales tax revenue is up. He stated that the Legislative Committee meeting scheduled for June 30, 2014 has been postponed until a future date.

### **PUBLIC COMMENTS:**

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

### **OLD BUSINESS:**

- (A) Third Reading of Proposed Ordinance to Amend Section 2-407 of *The Benton County Code of Ordinances of Benton County, Arkansas* to Change the Amount and Timing of Transfer of Sales Tax Receipts to be Transferred from County General Fund to Capital Projects Fund; Sponsor: JP Steve Curry.

County Attorney George Spence read the proposed ordinance by title only.

JP Curry made motion to approve the proposed ordinance, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

11 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Chiocco, Curry, Moehring
4 absent:	Anglin, Carr, Moore, Meyers

Ordinance duly adopted and assigned **No. O-2014-40**

- (B) Second Reading of Proposed Ordinance Amending Sections 2-516 and 2-523 of *The Code of Ordinances of Benton County, Arkansas*, All Regarding Benton County Employment Policy; Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed ordinance by title only.

JP Sandlin made motion to approve the proposed ordinance, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Second reading passed.

- (C) Second Reading of Proposed Ordinance Amending Section 13-3 of *The Code of Ordinances of Benton County, Arkansas* Related to the Collector of Fines Assessed by the Courts in Benton County, Arkansas;  
Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to approve the proposed ordinance, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Second reading passed.

County Attorney George Spence explained that it is required that the proposed ordinances be read at three separate meetings, unless the rules are suspended. He noted that Item “E” includes a proposed amendment to the language which will require starting over with the first reading.

- (D) Second Reading of Proposed Ordinance Establishing an Ambulance Service Improvement District Co-Extensive with the Boundaries of Benton County, Establishing in the Quorum Court the Authority to Levy up to Two-Tenths (0.2) Mills to Fund Such District’s Operations, Referring the Matter to the Electors of the District at the November 4, 2014 General Election, and for Other Purposes; Sponsor: JP Michelle Chiocco

County Attorney George Spence read the proposed ordinance by title only.

Judge Bob Clinard stated that it has been brought to his attention that it is possible that both sources of income could be put on the ballot.

County Attorney George Spence stated that the county could put both plans on the ballot and if both passed, the county would collect revenue from both.

Discussion was held on placing both of the proposed ordinances on the ballot.

Accounting Manager Mike Crandall stated that if both ordinances were passed, approximately \$1.361 million would be generated.

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County Attorney George Spence stated that we have met the requirement that Item “D” ordinance be read a second time, and that it is not necessary to vote on the ordinance tonight. He stated that since we have not had the Public Hearing and heard from the people, that this is to allow reading and moving forward and passing in July after the Public Hearing.

- (E) Second Reading of Proposed Ordinance Establishing an Emergency Medical Service District for the Unincorporated Portion of Benton County not Currently Part of the Northeast Benton County Emergency Medical Service District, Establishing the Services to be Provided by the District, Establishing Fees to Fund the District, Including a \$40 Per Household Fee, Providing for the Per Household Fees to be Included on the Tax Bills of Residents of the District, and for Other Purposes; Sponsor: JP Tom Allen

County Attorney George Spence stated that Section 5, subsection (a) of the proposed ordinance will be amended to read:

“There is established a fee of \$40 for each household within BCEMSD#2. The Quorum Court may reduce the fee for any year by ordinance. This fee shall not be subject to increase unless a proposed increase is approved by the electors of the District.”

JP Jones made motion to amend the proposed ordinance Item “E” to read that the Quorum Court may reduce the fee any year by ordinance, seconded by JP Sandlin.

After lengthy discussion, the proposed amendment to Section 5, subsection (a) was altered to read as follows:

“There is established a fee of \$40.00 for each household within BCEMSD#2. This fee shall not be subject to increase above \$40.00 unless a proposed increase is approved by the electors of the District. The Quorum Court may reduce the fee for any year by ordinance.”

County Attorney George Spence stated that the title will be:

An Ordinance Establishing an Emergency Medical Service District for the Unincorporated Portion of Benton County Not Currently Part of the Northeast Benton County Emergency Medical Service District, Establishing the Services to be Provided by the District, Establishing Fees to Fund the District, Including a 40.00 Per Household Fee, Providing that the Per Household Fee Cannot be Increased Without a Vote of the People Providing for the Per Household Fees to be Included on the Tax Bills of Residents of the District, and For Other Purposes

JP Jones made motion to amend proposed ordinance Item “E” to add the language read by County Attorney George Spence, seconded by JP Sandlin.

Motion to amend passed by unanimous voice vote.

County Attorney George Spence read the first reading of proposed ordinance Item “E” as amended.

JP Jones made motion to suspend the rules and place Item “E” on second reading, seconded by JP K. Harrison.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Motion to suspend the rules passed by roll call vote.

County Attorney George Spence read the second reading of the amended proposed ordinance.

County Attorney George Spence stated now Item “E” has been read for the second time.

### **NEW BUSINESS**

- (A) Proposed Resolution Confirming the County Judge’s Appointment of Nathan Atchison to the Benton County Dive Team; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Resolution duly adopted and assigned **No. R-2014-20.**

- (B) Proposed Resolution Confirming the County Judge’s Re-appointment of Ron Homeyer to the Benton County Planning Board; Sponsor: JP Patrick Carr

County Attorney George Spence read the proposed resolution by title only.

JP Jones made motion to adopt, seconded by JP Moehring.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Resolution duly adopted and assigned **No. R-2014-21.**

- (C) Proposed Resolution Authorizing the County Judge of Benton County to  
Apply for a GIF Fire Protection Grant on Behalf of Pleasure Heights  
Volunteer Fire Department; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Resolution duly adopted and assigned **No. R-2014-22.**

- (D) Proposed Resolution Confirming the County Judge's Appointment of Marshal  
Watson to the Northwest Arkansas HIV Clinic Board; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Resolution duly adopted and assigned **No. R-2014-23.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance  
No. O-2013-83 (2014 Benton County Budget) to Appropriate Additional  
Monies in Department 0115, Information Systems, Fund 1000; Sponsor:  
JP Jay Harrison

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

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There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Appropriation Ordinance duly adopted and assigned **No. O-2014-41.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Dept 0109, Election Commission, Fund 1000; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Appropriation Ordinance duly adopted and assigned **No. O-2014-42.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Departmental Maintenance, Fund 4000; Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Curry made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Chiocco, Curry, Moehring  
4 absent: Anglin, Carr, Moore, Meyers

Appropriation Ordinance duly adopted and assigned **No. O-2014-43.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0100, County Judge, Fund 4000; Sponsor: JP Tom Allen

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County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

11 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Chiocco, Curry, Moehring
4 absent:	Anglin, Carr, Moore, Meyers

Appropriation Ordinance duly adopted and assigned **No. O-2014-44.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget), to Amend *Schedule I – Revenues by Fund* to Create a New Revenue Line Item in Department 0000, Fund 3651, to be Named “GIF Grant Assessor & Collector”, and to Appropriate Additional Monies and Authorize Additional Expenditures Therein: Sponsor; JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation ordinance request is to move and staff the Assessor and Collector’s offices in the State Revenue Office location on Southwest D Street in Bentonville.

JP Allen made motion to adopt, seconded by JP Curry.

Assessor Glenn “Bear” Chaney stated that several state legislators secured a \$30,000 grant for the county from the State’s General Improvement Fund to pay most of the cost. He added that the county will rent space for \$1 per year until 2019.

Collector Gloria Peterson stated that other moving costs will be taken from the Collector’s Automation Fund. She added that she will be asking for additional staffing for the move.

Glenn “Bear” Chaney stated that his part of the move will cost about \$10,500 and that he will have to ask for a transfer of funds from the County.

Lengthy discussion was held on moving the Assessor and Collector’s offices to the State Revenue Office location on Southwest D Street in Bentonville.

JP Allen stated that he was in favor of the move because it is something that our constituents and citizens of the county are going to enjoy.

Further discussion was held on the Collector’s request for added personnel to make the move possible.



JP McKenzie stated that he could not support adding an additional person, because that would be going back to the situation we were in a few months ago. He stated that he did not see how it takes more people now than it did when we had the facility in Bentonville before.

JP Adams questioned adding staff to the Collector's office above the number needed in the old Bentonville office.

Assessor Glen "Bear" Chaney stated that he wanted the court to be aware that this is not all that they will need to move into that building.

JP Allen stated that the motion is to approve this ordinance so that they can get started with the build out to be done at the State Revenue Office location on Southwest D Street in Bentonville. He stated if the members of the court have an issue supporting the way the Assessor or the Collector are going to staff it, that will be discussed at the next Finance Committee meeting.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Chiocco, Curry, Moehring
4 absent:	Anglin, Carr, Moore, Meyers

Appropriation Ordinance duly adopted and assigned **No. O-2014-45.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0104, Collector Automation, Fund 3001; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Chiocco, Curry, Moehring
4 absent:	Anglin, Carr, Moore, Meyers

Appropriation Ordinance duly adopted and assigned **No. O-2014-46.**

**Other Business:**

None

**Announcements:**

None

**Adjournment:**

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk  
Prepared by Janet Reaves